

EXHIBIT B

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 5

1 A A little over 15 years.

2 Q What was your date of hire, do you remember?

3 A I do, October the 4th 1987.

4 Q How long have you been an area vice
5 president for Optical Networking Sales?

6 A About a year and a half.

7 Q Since when?

8 A July of 2001.

9 Q And how were you employed immediately before
10 that?

11 A I was area vice president, sales
12 realization.

13 Q And for what period of time were you
14 employed in that capacity?

15 A I believe it was June 2000 through the end
16 of June 2001.

17 Q Have you ever had a deposition taken before?

18 A Yes.

19 Q You kind of know what the ground rules are?

20 A Kind of.

21 Q Let me briefly go through so we have them on

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 9

1 supervise while you were the area vice president for
2 sales realization?

3 A Approximately 165.

4 Q Before you were the area vice president for
5 sales realization, I guess that would be as of June
6 2000, how were you employed up to then?

7 A I was the operations director and EA, which
8 stands for executive assistant, for the North America
9 East sales vice president.

10 Q And for what period of time did you hold
11 that job?

12 A It's truly an estimation, but I believe it
13 was from June '99 to June 2000. It was around a year.

14 Q And during that time frame, who was your
15 supervisor?

16 A Carole Spurrier.

17 Q What was her title?

18 A She's the sales vice president, North
19 America East.

20 Q Briefly explain to me if you would what's
21 the difference between sales realization and -- your

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 12

1 alignment. What your responsibility is is to report
2 directly to the vice president of North America sales
3 for all marketing, sales and PR related activity.

4 Q You reported to Carole Spurrier?

5 A Correct.

6 Q You didn't supervise anybody there?

7 A That's correct.

8 Q Now, we've heard some testimony before and I
9 want to confirm your understanding with regard to the
10 number of different level managers. I understand
11 there's A, B, C, D and E-level managers at Lucent?

12 A That's correct, but there are a variety of
13 different levels of As.

14 Q But A is the lowest level, correct?

15 A A1 is the lowest level. There's A1, 2, 3, 4
16 and 5.

17 Q Then you go to B?

18 A Go to B.

19 Q Are there different levels in B?

20 A No.

21 Q Then you go to C, D and then E?

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 13

1 A That's correct. And above that is officer.

2 Q Chris Herr, did you ever at any time
3 supervise him?

4 A Yes.

5 Q During what period of time?

6 A Would have been between around July of 2000
7 and maybe January of 2001.

8 Q What was his job at that time?

9 A His job was sales manager for Network
10 Operating Systems.

11 Q At that time, July 2000, you were the area
12 vice president of sales realization during that time
13 frame, correct?

14 A Correct.

15 Q Would that be a C-level?

16 A My position?

17 Q Yes.

18 A My position was a D-level.

19 Q D-level. What level was Chris Herr?

20 A C-level.

21 Q And how many C-level managers during that

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 21

1 A Which one?

2 Q Let's break it up. Jennifer Mazzaello.

3 A Jennifer Mazzaello and the date is going to
4 escape me, but the very first time that I recall
5 meeting her was when she came to my office when I
6 worked as operations director.

7 Q Which was during what period of time?

8 A It was --

9 Q June '99?

10 A Yeah. I don't know if it was '99. It was
11 either late '99 or early 2000.

12 Q What were the circumstances?

13 A I was asked by the operations director --
14 excuse me, the vice president's secretary to speak
15 with her because she had had a difficulty in a
16 management experience.

17 Q Who was the secretary?

18 A Linda Zachmann, Z-A-C-H-M-A-N-N.

19 Q Did she tell you what the reason was she
20 wanted you to talk with Jennifer?

21 A Yes.

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 22

1 Q What did she tell you?

2 A She told me that Jennifer had talked to her
3 about a problem that she was having with her direct
4 supervisor, Chris Herr, and then she had complained
5 about comments that were made that were disturbing to
6 her and she wanted me to talk with her. It was part
7 of my role.

8 Q So that would have been late '99, early
9 2000?

10 A Right, I don't know which.

11 Q At that point, you were the operations
12 director and executive assistant for North America
13 East sales?

14 A That's correct.

15 Q During that time frame you were not
16 supervising directly anyone as I understand it, right?

17 A That's correct.

18 Q So Chris Herr would not have been under your
19 supervision, correct?

20 A Correct.

21 Q Now, you were reporting to Carole Spurrier

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 23

1 at that time, correct?

2 A Correct.

3 Q Would Chris Herr have been under Carole
4 Spurrier's supervision?

5 A No.

6 Q Who did Chris Herr report to at that time?

7 A As far as I know, he reported to Sarah
8 Brazier.

9 Q Brazier is, B-R-A-Z-I-E-R?

10 A That's correct.

11 Q Who was she?

12 A She was the sales realization director for
13 the Verizon customer team.

14 Q So in late '99, early 2000, Linda Zachmann,
15 who was Carole Spurrier's secretary --

16 A Correct.

17 Q -- came to you and told you that Jennifer
18 Mazzarello had talked to her about problems that she
19 had with the way Chris Herr was treating her; is that
20 fair?

21 A It's fair.

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 24

1 Q And Linda Zachmann asked you to talk with
2 Jennifer?

3 A Yes.

4 Q Did she say why?

5 A She said that Jennifer seemed really
6 disturbed and could use some counseling, some advice.

7 Q Was that part of your job function at that
8 time?

9 A If there was a problem with someone inside
10 of the Carole Spurrier universe and they needed to
11 talk with someone, they either talked with human
12 resources, or, if it was an HR issue, they would talk
13 with me if it was a management or sales issue or
14 customer issue.

15 Q So did you then go ahead and talk with
16 Jennifer Mazzarello at that point?

17 A Yes.

18 Q What were the circumstances of your meeting
19 with her?

20 A She was talking to Linda Zachmann. Linda
21 brought her to my office. They talked together with

Deposition of Thomas Moore
Taken on March 24, 2003

Page 25

1 me for a few minutes about just pleasantries of the
2 day, and she left Jennifer in my office. And I -- the
3 only thing that I recall saying to her initially was,
4 so how are you doing? And her response was -- it
5 really wasn't a response, it was kind of a breakdown
6 cry.

7 Q Did she eventually explain to you why she
8 was upset?

9 A Not completely. I had been made aware of
10 comments that had been made to her by Chris Herr.

11 Q How?

12 A I was told partially by Linda Zachmann. And
13 once Linda had shared that information with me, I
14 checked with our human resource department to find out
15 what they knew and what action they had taken.

16 Quite frankly, Jennifer and I really
17 did not talk about details of a situation, it was
18 almost a known of what had occurred.

19 Q Well, so at that point in time when you met
20 with Jennifer, you already knew all this information,
21 is that what you're telling me?

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 26

1 A I knew what was told to me by Linda Zachmann
2 and Ed May of human resources.

3 Q Let's start with Linda Zachmann, what had
4 she told you?

5 A All she told me was that Jennifer had
6 contacted human resources, specifically Ed May, about
7 comments that were made in a sexual nature by Chris
8 Herr to her.

9 Q Is that all Linda Zachmann told you, did she
10 tell you any specifics in terms of --

11 A She didn't tell me any specifics whatsoever.

12 Q But Linda Zachmann did use the term sexual
13 comments; is that correct?

14 A I can't quote it directly but she said
15 comments of a sexual nature.

16 Q All right. And you indicated you had also
17 spoken with Ed May, right?

18 A That is correct.

19 Q First of all, let's get a time frame. You
20 met with Jennifer at the end of '99, beginning of
21 2000, right?

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 34

1 A Not at that time, no.

2 Q After you had this meeting with Jennifer,
3 did you talk to her about switching over to a
4 different area away from Chris Herr, possibly coming
5 to work for you or anything like that?

6 A No.

7 Q Did you talk to her about any kind of
8 mentoring relationship?

9 A As part of the initial discussion that we
10 had, it was a fairly lengthy conversation as far as
11 her wanting to do something different, but not knowing
12 where she could go in the company.

13 What we try to provide for to people
14 that are fairly new to the company, new to the
15 industry, which is a very complex industry to
16 understand, we offer them counseling. And I offered
17 her counseling, advice, direction and mentoring.
18 But it was not something that -- it was for her to
19 think about, if she wanted to participate in that
20 and take the time to spend with me, learn more about
21 the company. And she was to get back to me and tell

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 38

1 A They became more frequent because Jennifer
2 had come back a day or a few days later after I said,
3 would you like to spend time, an hour, on occasion
4 every couple weeks and learn more about the company,
5 learn more about the roles that are available, and she
6 said yes.

7 I don't think we met every couple of
8 weeks, I think we met probably on a monthly basis
9 for about maybe three or four months.

10 Q That would have been roughly January through
11 March 2000?

12 A Ballpark.

13 Q What would you do during these meetings?

14 A We would have conversations about what her
15 career objectives were, what she wanted to do, where
16 she wanted to be, what her skill sets were. We talked
17 about how a big corporation works, the different
18 levels, the different functions to try to find what
19 her needs were.

20 She was very, very unsure of what she
21 wanted to do. There was no actual goal for her,

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 54

1 will, the task to go out and learn about specific
2 products that were outside of her realm. The concept
3 there was we needed her to understand more than just
4 the environment she's experienced.

5 Q You had these discussions with Jennifer from
6 January through March of 2000. After March of 2000,
7 did you have any other conversations with Jennifer
8 about her career goals?

9 A I can't specifically say because the time
10 frames, I didn't write them down but it's always
11 possible.

12 Q What I'm trying to get a handle on here in
13 terms of the time frame between when Chris Herr comes
14 on board under your supervision --

15 A Right.

16 Q -- versus when you're having these
17 discussions with Jennifer.

18 A Right.

19 Q Were they contemporaneous to when he came on
20 board?

21 A No. This was a conversation that Jennifer

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 55

1 and I had was as soon as I became the supervisor for a
2 group that she was in, I could no longer give her
3 advice, counseling and mentoring because it would be
4 inappropriate to do that from someone in my own group.
5 It would seem favoritism.

6 Q When was --

7 A As soon as I took the job.

8 Q When was that?

9 A July 2000.

10 Q Up until July 2000 -- what I'm trying to
11 figure out is, you were meeting with Jennifer on these
12 one -- every three weeks or so?

13 A Right.

14 MR. NICCOLINI: Objection.

15 A Can you restate the question?

16 Q During this time frame when you're meeting
17 with Jennifer approximately every three weeks or so --

18 A Right.

19 Q -- at some point they came to a stop?

20 A Yes.

21 Q And when it came to a stop in July of

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 82

1 managed him, and he would not have qualified to be
2 mentored by me because he was in my own organization.

3 Q That implies that there was some sort of
4 rule in terms of who is going to mentor who. This is
5 where I'm getting a little bit confused.

6 A Sure.

7 Q At the time that you're meeting with
8 Jennifer Mazzarello, this is in January to March,
9 roughly, of 2000, right?

10 A Right.

11 Q If I understand it, you're telling us that
12 it was appropriate for you to meet with her, to give
13 her advice, counseling and mentoring during that time
14 frame because she was not on your team?

15 A Correct.

16 Q Once she came on your team in roughly June
17 or July of 2000, at that point you told her, I can no
18 longer give you advice, counseling and mentoring
19 because now you're on my team; is that right?

20 A That's correct.

21 Q Why was that? Why couldn't you continue to

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 83

1 give her advice, counseling and mentoring because
2 she's on your team?

3 A I am glad to answer that. It's not a rule,
4 it's my own rule. I think it's one that probably if
5 you had strict guidelines on it they would probably be
6 accepted. And that is if I provided such a, if you
7 will, relationship to where I taught you things about
8 the business but I refused to offer that to other
9 people in my own organization, that would be seen as
10 favoritism. So whenever you had a mentor, someone who
11 provided that guidance, they typically were somebody
12 who was not on your team. That is the distinction and
13 it's my own.

14 Q Did anybody ever give you advice, counseling
15 or mentoring?

16 A Yes.

17 Q Who was that?

18 A Carole Spurrier.

19 Q What time frame did she do that?

20 A Probably from late 1998.

21 Q Until when?

Deposition of Thomas Moore
Taken on March 24, 2003

Page 96

1 Lucent?

2 A I did not.

3 Q Do you recall attending a May 2001 customer
4 team picnic at Verizon?

5 A Yes.

6 Q Do you remember it was a volleyball game
7 going on at that time?

8 A Is that the question?

9 Q Yes.

10 A Yes, I do remember.

11 Q Do you remember Jennifer participating in
12 that?

13 A Yes, I do.

14 Q Did you participate in that?

15 A Yes, I did.

16 Q Did you ask Jennifer Mazzarello to try to
17 tackle Chris Herr?

18 A Yes, but I want to explain. We were playing
19 volleyball on -- I think we were at Centennial Park,
20 and it was near the end of the session. We had food
21 and we had the general corporate games you have, and

Deposition of Thomas Moore
Taken on March 24, 2003

Page 97

1 we were all playing over in the sand pit. Jennifer
2 and I happened to be on the same team and we were just
3 going through the process of rotating in volleyball
4 where we were taking our positions. We were at the
5 front of the net and there came a ball to the other
6 side from our side to the opponents. Chris Herr took
7 the ball and spiked it down directly in our faces.

8 And that was common, that's kind of
9 what guys do, they want to show that they can still
10 jump up and slap things down hard. I turned to
11 whoever was next to me, it happened to be Jennifer,
12 and said, the next time he does that, let's tackle
13 him.

14 As I went up, I tackled him the next
15 time and she wasn't there. And I said, how come you
16 didn't help me? She didn't say anything. I didn't
17 think a thing about it.

18 Later I found out that she was
19 offended by it because she told Pam Worley that she
20 was. Pam had said, but if I were you, I really
21 wouldn't address it with her right now, so I didn't.

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 98

1 When we had an occasion to talk about
2 a different career opportunity for her several
3 months later, this would have been in that June,
4 July, August time frame of 2001, I asked her about
5 it. She said she was very surprised by it because
6 of her background and history with Chris and it
7 really bothered her. I said, it was not
8 intentional, it was not meant to be offensive, I
9 apologize for it. I said, literally what I just
10 said, it was whoever was next to me I was going to
11 make that comment.

12 The reason for the circumstances was
13 because he just spiked the ball down in our face,
14 that was all it was. It was a friendly game. I
15 didn't think anything of it at that time.

16 Q After you advised Jennifer Mazzarello that
17 you were no longer going to be doing any more
18 mentoring of her after you became -- is it a D-level
19 manager?

20 A Yes. I went from a C to a D when I took the
21 sales realization job.

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 99

1 Q Do you recall meeting with Jennifer
2 Mazzarello and anyone else in terms of passing on the
3 mentoring relationship for Jennifer to someone else?

4 A It was several months later, I don't know
5 when, but I would say maybe November, December of
6 2000. I asked Jelani Rucker to do that.

7 Jelani was an individual who was
8 technically very capable, but he never had
9 management experience. And he asked is there any
10 way that -- he was not in my group, by the way. He
11 asked was there any way that he could have an
12 opportunity to oversee someone's development to give
13 him the experience to become a sales manager at some
14 point in time.

15 I realized that Jennifer had received
16 some mentoring and so I suggested it to him and he
17 said that would be fine. That's why it was set up.

18 It was set up probably a month or two
19 before I actually introduced what was actually
20 called a mentoring program. It was my own program.
21 It was not something that Lucent put out. I decided

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 114

1 Q Did you discuss this issue with Jennifer
2 Mazzarello?

3 A Yes.

4 Q What did you say to her?

5 A I basically asked her, you know, about the
6 rumor, what she had heard. And in the course of that
7 conversation, Jennifer admitted that she was part of
8 the person who was -- part of the group that was
9 spreading it.

10 Q Jennifer admitted that to you?

11 A Yes.

12 Q What did she say?

13 A She said, I believe it, so.

14 Q She believed what?

15 A She believed there was a relationship
16 between Kelly Hanlon and me.

17 Q Was there anyone else present when you had
18 this conversation with Jennifer Mazzarello?

19 A I think Kelly Hanlon was there.

20 Q Did you tell Jennifer at that time that
21 there was no relationship between you and Kelly

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 115

1 Hanlon?

2 A Yes.

3 Q And Jennifer said she didn't believe that?

4 A I don't think she said that, she didn't
5 respond to it.

6 Q She had previous just now -- just before
7 that had told you that she believed that there was a
8 relationship?

9 A Right.

10 Q And you told her there wasn't but you don't
11 recall what her reaction was?

12 A No. I think that was the end of the
13 conversation, that was basically it.

14 Q But you recall Kelly Hanlon was there?

15 A Yes.

16 Q Did you instruct Jennifer to stop spreading
17 such rumors or anything like that?

18 A I probably said something like I'd
19 appreciate it if you'd stop spreading rumors.

20 Q Did you say anything to Jennifer about her
21 not being attractive to you?

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 152

1 sales realization role. He was now the government
2 customer team vice president. I did go to New
3 Jersey, I did talk to Jim, Jim did state that he was
4 interested.

5 And I came back from New Jersey and
6 informed Lisa that Jim agreed, he would like to have
7 you on the team and we're going to complete that
8 transaction as you requested.

9 Q It was your understanding that she was aware
10 that by switching she would end up getting less
11 compensation?

12 A There would be no way she could have missed
13 that, yes. That was why I counseled her, are you sure
14 that's what you want to do? Her job was in no
15 jeopardy whatsoever.

16 Just to make that point, if anybody
17 would like to say that their job is in jeopardy, the
18 decision-making criteria was the performance
19 appraisal for fiscal 2000 was the benchmark. So if
20 you were ranked in the upper echelon, you could not
21 be affected.

Deposition of Thomas Moore
Taken on March 24, 2003

Page 153

1 Q Do you know if she was?

2 A Was she affected?

3 Q Do you know if she was in the upper echelon?

4 A I think you have a chart. I think you were
5 referring to it. I think she was. I think she was at
6 least in the top eight on my team. Maybe not top
7 eight in the whole customer team, but on my team she
8 was.

9 Just for the record, Jennifer
10 Mazzarello was never in jeopardy either in any
11 period of time that she was with us.

12 Q When Lisa Bryan left, who took over her job?

13 A It was really split up. It went to Ann
14 Macuch, M-A-C-U-C-H. But ultimately, it started to
15 get split into the individual teams. I'll give you an
16 example of what I mean. There was an oversight with
17 the relationship with the MWBEs that sat with Ann, the
18 actual day-to-day implementation sat with the optical
19 group or the switching group or the data group,
20 depending on what type of products we were selling.
21 And the individual who took over the assignment had

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 218

1 guidelines. That's the rationale for that
2 presentation was developed.

3 Q I asked you earlier whether or not you were
4 aware of any complaints to human resources by Lisa
5 Bryan regarding your conduct, were you aware of any
6 complaints by Jennifer Mazzarello in regard to your
7 conduct to HR?

8 A What period of time?

9 Q Any time while she was employed there.

10 A No.

11 Q Do you know if human resources ever
12 conducted any kind of investigation as to your conduct
13 with regard to either Jennifer Mazzarello or Lisa
14 Bryan?

15 A No, at least not that I know of. If they
16 did, they did it without me.

17 Q Got it. Did you have any interactions with
18 Jennifer Mazzarello after Lisa Bryan resigned?

19 A What do you mean by interactions?

20 Q Any discussions with her?

21 A Sure.

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 222

1 Q Did you ever advise Jennifer Mazzarello that
2 Ed Sanford said that he would consider her for an
3 account executive position and that she had experience
4 as a technical consultant?

5 A The answer is no. Ed Sanford and I talked
6 because the request of Jennifer was to have a path to
7 become an AE, that's what she wanted to be. She
8 lacked the general, technical depth to do that. The
9 most natural place for her to be an AE would be in
10 switching because she had been working the NEBS
11 compliance issues, N-E-B-S. And mainly those dealt a
12 lot with switching.

13 So as I talked to Ed Sanford about
14 her as a possibility, he said she doesn't have the
15 technical depth, but if she got technical depth as a
16 TC and was successful, then she would be more
17 prepared for the job. That is not a promise, that
18 is not a commitment.

19 Q Is the technical consultant position a
20 promotion or a demotion from what she was before?

21 A It's neither. It's a lateral move. The

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 223

1 reason she was asked to do that was we had what was
2 known as a 5 and 5, it was an early retirement package
3 for people to accept that. When that came up, we had
4 a lot of experienced people specifically in switching.
5 We lost a good 75 percent of the switching technical
6 consultants. We had lost 75 percent of those TCs to
7 the retirement program. We needed somebody with some
8 switching background to go into those roles to fill
9 the holes. And in her case, it was also an ability to
10 get her career skills to where she could move to where
11 she wanted to be.

12 It is not a demotion. In fact, the
13 target incentives from my recollection were either
14 identical or they were higher than the TC. I
15 believe they were identical. It was not anything
16 other than a lateral to get her experience.

17 Q Who is Brian McMahon?

18 A I know a Brian McMahon but I don't know how
19 he qualifies here. He was a sales manager for the MCI
20 Worldcom team.

21 Q Worked for Lucent?

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 225

1 response. You have to count that, that is part of
2 your compensation. And she said, well, I don't get
3 that much. And asked the question, how much did you
4 get in compensation? Whatever the number was was
5 about half of what it should have been and she even
6 stated that. And I said, is that before or after
7 taxes? And she said, after taxes. I said, you have
8 to tell me what it was before taxes because you
9 still have to pay taxes.

10 My point was, she was not very astute
11 from the financial side and she was very concerned
12 about money in this situation. And the TC job,
13 again, was the exact same or better targeting
14 incentive for compensation. It shouldn't have been
15 an issue. But never did we ask -- did I ask or
16 anyone else ask, how would you feel if you lost your
17 job.

18 Q As of July 2001, do you know if there were
19 any plans in place to either terminate or lay her off?

20 A We had just come out of the early retirement
21 plan as a corporation, not enough people took the

**Deposition of Thomas Moore
Taken on March 24, 2003**

Page 226

1 package so we needed to downsize further. We had made
2 those decisions and she was going to make it. She was
3 not going to be affected by the downsize.

4 Q Did either Jennifer Mazzarello or Lisa Bryan
5 ever discuss with you or make you aware that they were
6 of the belief that you were mistreating them in any
7 way as their supervisor?

8 A I wouldn't say in those terms whatsoever. I
9 will say that Lisa got highly emotional toward the end
10 of her stint with us. It was hard for me personally
11 to understand exactly what was going through her mind.

12 There was an occasion to where we had
13 a transition meeting, it was an operations review
14 which is basically all the people for an
15 organization read out what they're doing and give
16 presentations. She was first, we went
17 alphabetically. Bryan came first. She got out a
18 few words and broke down crying and said, I can't do
19 this.

20 We continued the meeting and picked
21 up the pieces. And later afterwards I tried to get